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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/190,129	11/12/1998	JOSEPH M. CANNON	CANNON36-37-	6291

7590

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EXAMINER

GAUTHIER, GERALD

ART UNIT

PAPER NUMBER

2645

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/190,129	<b>Applicant(s)</b> CANNON ET AL.	
	<b>Examiner</b> Gerald Gauthier	<b>Art Unit</b> 2645	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2005.  
2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-6 and 8-15 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 31, 2005 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claim(s) 1, 3-6 and 8-15** are rejected under 35 U.S.C. 102(b) as being anticipated by Brown (US 5,655,011).

Regarding **claim(s) 1**, Brown discloses a voice messaging system (FIG. 1 and column 1, lines 15-17), comprising:

an analog telephone line interface (503 on FIG. 5);

a voice recorder/playback module (509 on FIG. 5);

a controller adapted to control functions of the voice messaging system (506 on FIG. 5);

a ring signal bypass module (511 on FIG. 5) adapted to detect a presence of an analog non-ring signal initiated by a caller without prompt utilizing the analog telephone line interface indicating a presence of an incoming call, and to cause the voice message system to direct the incoming call to the voice recorder/playback module without an audible ring signal to announce the incoming call by the system (FIG. 5 and column 4, lines 56-65) [The on/off detector detects an incoming telephone call with an identification code from the calling party that causes the answering machine 113 to immediately goes off hook and begins its operation without ringing the handsets for the calling party to leave a message without disturbing any individual within residence 103].

Regarding **claim(s) 3**, Brown discloses a voice messaging system as telephone-answering device (113 on FIG. 1).

Regarding **claim(s) 4 and 8**, Brown discloses a method for allowing bypass of ring signal in a voice messaging system (FIG. 1 and column 1, lines 15-17), comprising:

receiving an analog non-ring signal initiated by a caller without prompt at an analog telephone line interface indicating a presence of an incoming call to the voice messaging system (FIG. 5 and column 4, lines 56-65) [The on/off detector detects an incoming telephone call with an identification code from the calling party, thereby]; and

answering the incoming call by the voice messaging system without an audible ring signal to announce the incoming call by the voice messaging system (FIG. 5 and column 4, lines 56-65) [The answering machine 113 immediately goes off hook and begins its operation without ringing the handsets for the calling party to leave a message without disturbing any individual within residence 103].

Regarding **claim(s) 5 and 9**, Brown discloses playing an outgoing greeting message to a caller associated with the incoming call without requiring reception of any ring signal relating to the incoming call (FIG. 5 and column 4, lines 56-65); and allowing the caller to record a voice message (FIG. 5 and column 4, lines 56-65).

Regarding **claim(s) 6, 10 and 13**, Brown discloses allowing a caller associated with the incoming call to record a voice message without requiring reception of any ring signal relating to the incoming call (FIG. 5 and column 4, lines 56-65).

Regarding **claim(s) 11 and 14**, Brown discloses inputting a request for a transmission of the analog non-ring signal from a calling party's telephone (FIG. 5 and column 4, lines 56-65).

Regarding **claim(s) 12**, Brown discloses a method of allowing a calling party to bypass a ring signal in a voice messaging system of a called party, the voice messaging

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system including voice message memory for recording a voice message (FIG. 1 and column 1, lines 15-17), the method comprising:

providing an analog ring signal bypass module in the voice messaging system (FIG. 5 and column 4, lines 56-65) [The on/off detector 511 detects an incoming telephone call signals with the identification code of the caller];

activating the analog ring signal bypass module based on a request from the calling party without prompt from the voice messaging system (FIG. 5 and column 4, lines 56-65) [The answering machine 113 immediately goes off the hook to begins its operation based on the caller inputting the identification code, thereby activating the analog ring signal bypass module based on a request from the calling party without prompt from the voice messaging system]; and

bypassing an audible ring signal by the voice messaging system announcing an incoming call from the calling party to the voice messaging system (FIG. 5 and column 4, lines 56-65) [The caller leaves a message without ringing the residence phones thereby bypassing an audible ring signal by the voice messaging system announcing an incoming call from the calling party to the voice messaging system].

Regarding **claim(s) 15**, Brown discloses the request is entered by the calling party before a telephone number of the called party is dialed by the calling party (FIG. 5 and column 4, lines 56-65).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. **Claim(s) 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Koyama (US 5,894,505).

Regarding **claim(s) 2**, Brown as applied to **claim(s) 1** above differs from **claim(s) 2** in that it fails to disclose the analog telephone line interface is adapted to detect a line reversal on the telephone.

However, Koyama teaches the analog telephone line interface is adapted to detect a line reversal on the telephone (column 10, lines 16-20).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Brown by adding the exchange as taught by Koyama.

The modification will allow the capability of the line reversal signal such that the system would enable the caller to selectively either leaves a message or ring the called telephone.

### ***Response to Arguments***

8. Applicant's arguments with respect to **claim(s) 1-6 and 8-15** have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
GERALD GAUTHIER  
PATENT EXAMINER

Gerald Gauthier  
Examiner  
Art Unit 2645

g.g.  
July 24, 2005